

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2450 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

TARULATTABEN LALLUBHAI PATEL

Versus

UNION OF INDIA

Appearance:

MR MC BAROT for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 07/04/98

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing Counsel for the Central Government waives service of notice of rule on behalf of Respondents. At the request of the learned counsel appearing for the parties, the

petition is heard today.

By means of filing this petition under Articles 226 and 227 of the Constitution of India, the petitioner has prayed to issue a writ of mandamus or any other appropriate writ or order directing the respondents to show place of birth of petitioner as HARIJ - MEHSANA instead of Detroj-Mehsana in Passport No. P-475679 issued to the petitioner.

The petitioner had made an application for obtaining passport. In the application it was mentioned by the petitioner that place of her birth was Detroj-Mehsana. On the basis of contents of the application, passport bearing number P-475679 was issued to the petitioner on June 25, 1993 indicating that the place of birth of the petitioner was Detroj-Mehsana.

The petitioner has averred in the petition that the correctness of the place of birth of the petitioner is Harij-Mehsana and not Detroj-Mehsana. In order to substantiate the said averment, the petitioner has produced zerox copy of Duplicate Leaving Certificate issued by Principal of the School where petitioner had studied upto SSC at Annexure-B to the petition. The Leaving Certificate indicates that the place of birth of the petitioner is Harij. As there was obvious mistake in mentioning the place of birth in the application, which was submitted by the petitioner for obtaining the passport, the petitioner orally requested respondent no. 2 to show correct place of birth in the passport issued to the petitioner. The petitioner has averred in the petition that the respondent no. 2 instructed the petitioner to obtain necessary orders from the Court. Under the circumstances, the petitioner has filed the present petition and claimed relief to which reference is made earlier.

As noted earlier, the School Leaving Certificate unerringly mention that the place of birth of petitioner is Harij-Mehsana. Thus, the petitioner had committed mistake in mentioning her place of birth to be Detroj-Mehsana in the application which was submitted by her for obtaining the passport. Having regard to the facts and circumstances of the case, I am of the view that direction requires to be issued to the respondent no. 2 to make necessary change in the passport issued to the petitioner by showing place of birth of petitioner to be Harij-Mehsana.

For the foregoing reasons, petition succeed. The

respondent no. 2 is directed to mention place of birth of petitioner to be HARIJ-MEHSANA in the passport bearing number P-475679 issued to the petitioner as early as possible and preferably within two weeks from today.

Rule is made absolute accordingly with no order as to costs.

Prakash*